

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GREGORY LANE COATES,

Plaintiff,

vs.

CASE NO. 3:17-cv-176-JPG-RJD

EQUIFAX INFORMATION SERVICES, LLC;
TRANSUNION, LLC; and 1st NATIONAL
BANK OF OMAHA;

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on the stipulation for dismissal filed by plaintiff Gregory Lane Coates and defendant Trans Union, LLC (Doc. 23). Federal Rule of Civil Procedure 41(a)(1)(A)(ii) allows dismissal of an action by a plaintiff without a court order by filing a stipulation of dismissal. However, Rule 41(a) “does not speak of dismissing one claim in a suit; it speaks of dismissing ‘an action’—which is to say, the whole case.” *Taylor v. Brown*, 787 F.3d 851, 857 (7th Cir. 2015) (considering Rule 41(a)(2); internal quotations omitted). The proper way to dismiss less than an entire action is to file an amended complaint under Federal Rule of Civil Procedure 15(a) omitting the claims to be dismissed. *Id.*

Here, Coates does not seek to dismiss an entire action but only his claims against one defendant. The proper way to do this, as noted in *Taylor*, is to file an amended complaint. Accordingly, the Court **DENIES** the stipulation for dismissal (Doc. 23) and **ORDERS** that Coates shall have seven days from the date this order is entered to file an amended complaint omitting his claims against Trans Union, LLC.

Dated: April 28, 2017

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE